

FILED
4/12/22 12:08 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Paul A. Novak : Bankruptcy Case No. 22-20297-TPA
Debtor(s) : Chapter 13

PLAN CONFIRMATION ORDER

AND NOW, this **12th** of **April, 2022**, it is hereby **ORDERED, ADJUDGED and DECREED**, with the consent of all the Parties in attendance, as follows:

A The Chapter 13 Plan dated **March 11, 2022**, except as modified herein as numbered, below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court. The current Plan payment is **\$2,368**.

1. Confirmation of this Plan pursuant to this Order is without prejudice to reconsideration following a status conference held by the Chapter 13 Trustee to gauge the progress of Plan implementation, which **Status Conference** is scheduled for **September 13, 2022 at 1:00 p.m. remotely by the Trustee via Zoom, how to participate: go to www.ch13pitt.com, meetings@chapter13trusteedpa.com**, (which may, upon agreement of the Parties, be continued from time to time *provided however* that following the 3rd continuance, the matter shall be set for hearing before the Court), following which time the Plan may be modified to the satisfaction of all Parties after notice and hearing before the Court, or the status conference may be marked closed by the Chapter 13 Trustee. (A1)

2. For the remainder of the Plan term, the periodic Plan payment is to be **\$2,398** as of **April 2022**. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order. (A2)

3. Issues concerning whether the Plan's §1325(b) estimated amount available for distribution to general Unsecured Creditors, good faith, and §1325(a)(4) amount is sufficient are preserved for the Status Conference to be scheduled. In the event the Parties are unable to amicably resolve any dispute over the treatment of Unsecured Creditors in the Plan, the matter will be deemed contested and presented to the Court for resolution. (E50)

B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

1. Objections to the Plan: This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)*, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may only disburse funds pursuant to this confirmation order upon expiration of the foregoing twenty-eight (28) day period.

2. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

3. Review of Claims Docket and Objections to Claims. Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

4. Motions or Complaints Pursuant to §§506, 507, or 522. All actions to determine the priority,

avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

5. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

C IT IS FURTHER ORDERED THAT:

1. Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.

2. Following payment of allowed secured and priority claims the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

3. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

4. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

5. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

6. Debtor(s) shall file an Amended Schedule I and/or J in the event of:

(a) Household income increases by 10% or more over most the recently filed Schedule I, because of new employment, promotion, or otherwise.

(b) A reduction in payroll withholding (including any Domestic Support Obligation and retirement loan(s) repayments), or a 10% or more reduction of any line item expense on Schedule J.

(c) Any indicated increase in disposable income as a result of an increase in income or decrease in payroll withholding or Schedule J expense (and the fund created for the benefit of general Unsecured Creditors) is retroactive to the date of the payoff of the obligation, decrease in expense, or increase in household income.

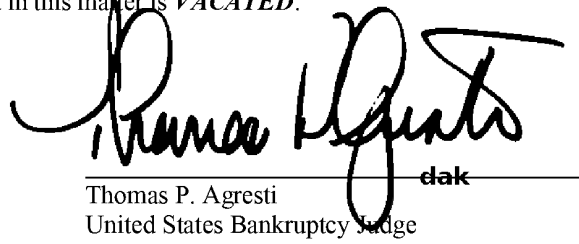
7. Debtor(s) shall provide Trustee annual tax returns and statements of income and expenses, in accordance with Section 521(f) and (g), and shall file an amended plan reflecting any increase in disposable income retroactive to date of increase.

8. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

9. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

10. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

11. Any prior Confirmation Order entered in this matter is *VACATED*.



Thomas P. Agresti
United States Bankruptcy Judge

cc: All Parties in interest to be served by Clerk immediately

In re:
Paul A. Novak
Debtor

Case No. 22-20297-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Apr 12, 2022

User: auto
Form ID: pdf900

Page 1 of 3
Total Noticed: 31

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 14, 2022:

Recip ID	Recipient Name and Address
db	+ Paul A. Novak, 4607 Library Road, Ste 220-66, Bethel Park, PA 15102-6902
15455992	+ Allegheny Health Network, 12311 Perry Highway, Wexford, PA 15090-8344
15455997	++ COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157 address filed with court:, Columbia Gas, P.O. Box 117, Columbus, OH 43216
15455998	+ Columbia Gas, P.O. Box 742637, Cincinnati, OH 45274-2637
15455999	+ Condor Captl, 165 Oser Av, Hauppauge, NY 11788-3710
15456001	+ Deutsche Bank National Trust Company, c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
15456003	+ First Associates Loan Servicing, LLC, P.O. Box 503430, San Diego, CA 92150-3430
15456006	+ Jordan Tax Service, Inc., 102 Rahway Road, Canonsburg, PA 15317-3349
15456007	+ KML, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
15456013	+ Select Portfolio Servicing, P.O. Box 65250, Salt Lake City, UT 84165-0250
15456014	+ Select Portfolio Svcin, Po Box 65250, Salt Lake City, UT 84165-0250

TOTAL: 11

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@aisinfo.com	Apr 12 2022 23:46:10	Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	+ Email/Text: jdryer@bernsteinlaw.com	Apr 12 2022 23:38:00	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 601 Grant Street, 9th Floor, Pittsburgh, PA 15219-4430
15455993	Email/PDF: ebn_ais@aisinfo.com	Apr 12 2022 23:46:03	American Info Source Lp, Post Office Box 248848, Oklahoma City, OK 73124-8848
15455994	+ Email/Text: ebnjts@grblaw.com	Apr 12 2022 23:38:00	Borough of Whitehall, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
15455995	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Apr 12 2022 23:45:53	Capital One, Po Box 5253, Carol Stream, IL 60197-5253
15456000	+ Email/PDF: creditonebknotifications@resurgent.com	Apr 12 2022 23:46:01	Credit One Bank Na, Po Box 98872, Las Vegas, NV 89193-8872
15456001	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Apr 12 2022 23:39:00	Deutsche Bank National Trust Company, c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
15456002	+ Email/Text: kburkley@bernsteinlaw.com	Apr 12 2022 23:39:00	Duquesne Light Company, c/o Peter J. Ashcroft, Esquire, Bernstein Law Firm, P.C., 707 Grant St. Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1900
15456004	Email/Text: GCSBankruptcy@gcserv.com	Apr 12 2022 23:38:00	G C Services, 6330 Gulfton St Ste 400, Houston, TX 77081
15456005	+ Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM	Apr 12 2022 23:38:00	Gm Financial, Po Box 181145, Arlington, TX

District/off: 0315-2

User: auto

Page 2 of 3

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Form ID: pdf900

Total Noticed: 31

15462517	+ Email/Text: sbse.cio.bnc.mail@irs.gov	Apr 12 2022 23:38:00	76096-1145 Internal Revenue Service, 1000 Liberty Avenue, Room 727, Pittsburgh, PA 15222-4107
15455996	Email/PDF: ais.chase.ebn@aisinfo.com	Apr 12 2022 23:45:52	Chase Mtg, Po Box 24696, Columbus, OH 43224
15456008	+ Email/PDF: cbp@onemainfinancial.com	Apr 12 2022 23:46:08	Onemain Fi, Po Box 499, Hanover, MD 21076-0499
15456009	+ Email/Text: csc.bankruptcy@amwater.com	Apr 12 2022 23:39:00	PA American Water, PO Box 578, Alton, IL 62002-0578
15456010	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Apr 12 2022 23:46:11	Portfolio Recovery Associates, LLC, POB 12914, Norfolk, VA 23541
15456011	+ Email/PDF: resurgentbknotifications@resurgent.com	Apr 12 2022 23:46:03	PYOD LLC, C/O Resurgnet Capital, PO Box 19008, Greenville, SC 29602-9008
15461657	+ Email/PDF: resurgentbknotifications@resurgent.com	Apr 12 2022 23:46:05	PYOD, LLC, Resurgent Capital Services, PO Box 19008, Greenville, SC 29602-9008
15456015	Email/PDF: ais.sprint.ebn@aisinfo.com	Apr 12 2022 23:46:08	Sprint, Customer Service, P.O. Box 8077, London, KY 40742
15456012	+ Email/Text: enotifications@santanderconsumerusa.com	Apr 12 2022 23:38:00	Santander Consumer Usa, Po Box 961245, Ft Worth, TX 76161-0244
15456013	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Apr 12 2022 23:39:00	Select Portfolio Servicing, P.O. Box 65250, Salt Lake City, UT 84165-0250
15456014	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Apr 12 2022 23:39:00	Select Portfolio Svcin, Po Box 65250, Salt Lake City, UT 84165-0250
15456016	+ Email/PDF: gecsedl@recoverycorp.com	Apr 12 2022 23:45:52	Synch/jcp, Po Box 965007, Orlando, FL 32896-5007
15456017	+ Email/Text: wfmelectronicbankruptcyntifications@verizonwireless.com	Apr 12 2022 23:38:00	Verizon, 500 Technology Drive Suite 30, Weldon Spring, MO 63304-2225

TOTAL: 23

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Deutsche Bank National Trust Company, as Trustee,
15462501	*+	Allegheny Health Network, 12311 Perry Highway, Wexford, PA 15090-8344
15462502	*	American Info Source Lp, Post Office Box 248848, Oklahoma City, OK 73124-8848
15462503	*+	Borough of Whitehall, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
15462506	*P++	COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157, address filed with court., Columbia Gas, P.O. Box 117, Columbus, OH 43216
15462504	*+	Capital One, Po Box 5253, Carol Stream, IL 60197-5253
15462507	*+	Columbia Gas, P.O. Box 742637, Cincinnati, OH 45274-2637
15462508	*+	Condor Captl, 165 Oser Av, Hauppauge, NY 11788-3710
15462509	*+	Credit One Bank Na, Po Box 98872, Las Vegas, NV 89193-8872
15462510	*+	Deutsche Bank National Trust Company, c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
15462511	*+	Duquesne Light Company, c/o Peter J. Ashcroft, Esquire, Bernstein Law Firm, P.C., 707 Grant St. Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1900
15462512	*+	First Associates Loan Servicing, LLC, P.O. Box 503430, San Diego, CA 92150-3430
15462513	*P++	GC SERVICES LIMITED PARTNERSHIP, 6330 GULFTON, HOUSTON TX 77081-1198, address filed with court., G C Services, 6330 Gulfton St Ste 400, Houston, TX 77081
15462514	*+	Gm Financial, Po Box 181145, Arlington, TX 76096-1145
15462516	*	Internal Revenue Service, Insolvency Unit, POB 628, Pittsburgh, PA 15230
15462515	*+	Internal Revenue Service, Insolvency Unit, POB 7346, Philadelphia, PA 19101-7346
15462505	*P++	JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01, MONROE LA 71203-4774, address filed with court., Chase Mtg, Po Box 24696, Columbus, OH 43224
15462518	*+	Jordan Tax Service, Inc., 102 Rahway Road, Canonsburg, PA 15317-3349
15462519	*+	KML, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541

District/off: 0315-2

User: auto

Page 3 of 3

Date Rcvd: Apr 12, 2022

Form ID: pdf900

Total Noticed: 31

15462520	*+	Onemain Fi, Po Box 499, Hanover, MD 21076-0499
15462521	*+	PA American Water, PO Box 578, Alton, IL 62002-0578
15462522	*P++	PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067, address filed with court:, Portfolio Recovery Associates, LLC, POB 12914, Norfolk, VA 23541
15462523	*+	PYOD LLC, C/O Resurgnet Capital, PO Box 19008, Greenville, SC 29602-9008
15462527	*P++	SPRINT, C O AMERICAN INFOSOURCE, 4515 N SANTA FE AVE, OKLAHOMA CITY OK 73118-7901, address filed with court:, Sprint, Customer Service, P.O. Box 8077, London, KY 40742
15462524	*+	Santander Consumer Usa, Po Box 961245, Ft Worth, TX 76161-0244
15462525	*+	Select Portfolio Servicing, P.O. Box 65250, Salt Lake City, UT 84165-0250
15462526	*+	Select Portfolio Svcin, Po Box 65250, Salt Lake City, UT 84165-0250
15462528	*+	Syncb/jcp, Po Box 965007, Orlando, FL 32896-5007
15462529	*+	Verizon, 500 Technology Drive Suite 30, Weldon Spring, MO 63304-2225

TOTAL: 1 Undeliverable, 28 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 14, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 12, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Deutsche Bank National Trust Company as Trustee, in trust for registered Holders of Long Beach Mortgage Loan Trust 2004-1, Asset-Backed Certificates, Series 2004-1 bnicholas@kmlawgroup.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Paul W. McElrath, Jr.	on behalf of Debtor Paul A. Novak ecf@mcelrathlaw.com donotemail.ecfbackuponly@gmail.com
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

TOTAL: 5